

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROYALE ANTHONY JACKSON,

Plaintiff,

vs.

STATE OF NEVADA,

Defendant.

Case No.: 2:22-cv-01036-GMN-DJA

ORDER

Pending before the Court is Plaintiff Royale Anthony Jackson's ("Plaintiff's") Objection (ECF No. 17), to the Magistrate Judge's Order and Report and Recommendation ("R&R"), (ECF No. 15), recommending that the Court dismiss Plaintiff's Complaint, (ECF No. 1-1), with prejudice for failure to state a claim upon which relief can be granted.

Also pending before the Court is Plaintiff's Writ of Habeas Corpus, (ECF No. 3), Motion to Intervene, (ECF No. 6), Motion for Summary Judgment Defendant, (ECF No. 11), and Motion for Judgment on the Pleadings, (ECF No. 13).

For the reasons discussed below, the Court **DENIES** Plaintiff's Objection, **ADOPTS in full** the Magistrate Judge's Report and Recommendation, and **DENIES as moot** Plaintiff's Writ of Habeas Corpus, Motion to Intervene, Motion for Summary Judgment, and Motion for Judgment on the Pleadings.

I. BACKGROUND

This case arises out of Plaintiffs' allegations regarding his ownership of real property located at 608 Holland Avenue, Las Vegas, Nevada, 89106 (the "Property"). Plaintiff alleges that the Property was previously owned by his "foremother," who died "in possession of the [the Property]" in 2016. (Pet. Writ Habeas Corpus 3:4-5, ECF No. 3-1). Plaintiff thereby

1 asserts he inherited the property. (*Id.* 3:5). However, contrary to Plaintiff’s assertion,
 2 Wilmington Savings Fund Society FSB had title to the Property before selling the Property to
 3 Brian Davila LTD, LCC in September 2020. (Order 1:20–22, Ex. 3 to Obj., ECF No. 17). The
 4 Property has since been leased to Rachel Bley.¹ (*Id.*). Despite not occupying or having title to
 5 the Property, Plaintiff nevertheless entered the Property between January 29, 2021, and March
 6 19, 2021. (Indictment 5:17–25, Ex. A to Pet. Writ Habeas Corpus, ECF No. 3-1). Due to his
 7 trespass, Plaintiff was convicted in state court of burglary. (Obj. 2:3–7, ECF No. 17).

8 Plaintiff brought the instant Complaint and supplemental Writ of Habeas Corpus,
 9 alleging that pursuant to 42 U.S.C. § 1983, his state court conviction wrongfully imprisoned
 10 him for trespassing on his own land in violation of his constitutional rights. (Obj. 2:12–21);
 11 (Pet. Writ Habeas Corpus 1:10–11). Plaintiff therefore seeks to overturn his state court
 12 conviction and for the Court to recognize Plaintiff as the rightful owner of the Property. (*See*
 13 *generally* Compl. ECF No. 1-1). The Magistrate Judge entered an R&R, recommending
 14 dismissal of Plaintiff’s Complaint for failure to state a claim upon which relief could be
 15 granted. (*See* R&R 4:4–9, ECF No. 15). Plaintiff filed an Objection to the R&R. (*See generally*
 16 Obj.).

17 **II. LEGAL STANDARD**

18 When reviewing the order of a magistrate judge, the order should only be set aside if the
 19 order is clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a); LR IB 3-1(a); 28 U.S.C. §
 20 636(b)(1)(A); *Laxalt v. McClatchy*, 602 F. Supp. 214, 216 (D. Nev. 1985). A magistrate
 21 judge’s order is “clearly erroneous” if the court has “a definite and firm conviction that a
 22 mistake has been committed.” *See United States v. United States Gypsum Co.*, 333 U.S. 364,
 23 395 (1948); *Burdick v. Comm’r IRS*, 979 F.2d 1369, 1370 (9th Cir. 1992). “An order is

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 25 ¹ Furthermore, the Magistrate Judge noted that despite Plaintiff listing the address of the Property as his mailing address, “mail to Plaintiff at that address has been returned as undeliverable and many of the documents Plaintiff attaches indicate that the home is occupied by someone else.” (R&R 2:25–28, ECF No. 15).

contrary to law when it fails to apply or misapplies relevant statutes, case law or rules of procedure.” *Kennison v. DeCarlo*, No. 2:21-cv-02210, 2022 WL 231763, at *1 (D. Nev. June 28, 2022). When reviewing the order, however, the magistrate judge “is afforded broad discretion, which will be overruled only if abused.” *Columbia Pictures, Inc. v. Bunnell*, 245 F.R.D. 443, 446 (C.D. Cal. 2007). The district judge “may not simply substitute its judgment” for that of the magistrate judge. *Grimes v. City and Cty. of San Francisco*, 951 F.2d 236, 241 (9th Cir. 1991) (citing *United States v. BNS, Inc.*, 858 F.2d 456, 464 (9th Cir. 1988)).

III. DISCUSSION

The Magistrate Judge recommends that the Court should dismiss with prejudice Plaintiff’s § 1983 claim and deny as moot Plaintiff’s Petition for Writ of Habeas Corpus, Motion to Intervene, Motion for Summary Judgment, and Motion for Judgment on the Pleadings. (R&R 4:5–9). Plaintiff objects, contending that as the rightful owner of the Property, he cannot be convicted for trespassing on his own property. (Obj. 2:12– 2:21). The Court will first examine the Magistrate Judge’s reasoning.

In the R&R, the Magistrate Judge noted that “Plaintiff’s [C]omplaint directly attacks the validity of his criminal conviction.” (R&R 3:11). The Magistrate Judge further observed that “if a § 1983 case seeking damages alleges constitutional violations that would necessarily imply the invalidity of a conviction or sentence, the prisoner must establish that the underlying sentence or conviction has been invalidated on appeal, by habeas petition, or through a similar proceeding.” (*Id.* 3:3–7); *see Whitaker v. Garcetti*, 486 F.3d 572, 581 (9th Cir. 2007) (citing *Heck v. Humphrey*, 512 U.S. 477, 483–84 (1994)). Therefore, because Plaintiff did not allege that his conviction or sentence has been reversed or otherwise invalidated, the Magistrate Judge found that Plaintiff’s § 1983 claim fails as a matter of law. (R&R 3:11–15).

Here, Plaintiff does not address the Magistrate Judge’s reasoning in the Objection. (*See generally* Obj.). Instead, Plaintiff relies on *State of Nevada v. White*, for the proposition that

1 “[a] person cannot commit burglary of a home when he or she has an absolute right to enter the
2 home,” and that “[t]his rule applie[s] not only to sole owners of home, but also joint occupants,
3 and thus the important fact [is] occupancy, rather than ownership.” 330 P.3d 482, 484–85 (Nev.
4 2014); (*State of Nevada v. White* Opinion, Ex. 4 to Obj., ECF No. 17). Plaintiff’s argument
5 reaffirms that he is attacking the validity of his state criminal conviction. However, the Court
6 cannot find that Plaintiff did not trespass into the Property because such a decision would
7 necessarily imply the invalidity of his state conviction and sentence. *See Whitaker*, 486 F.3d at
8 581.

9 Therefore, the Court denies Petitioner’s Objection and adopts the R&R as to its
10 recommendation that Plaintiff’s § 1983 claim be dismissed with prejudice for failure to state a
11 claim as a matter of law.

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1 **IV. CONCLUSION**

2 **IT IS HEREBY ORDERED** that Plaintiff's Objection, (ECF No. 17), is **DENIED**.


3 **IT IS FURTHER ORDERED** that the Report and Recommendation, (ECF No. 15), is
4 **ADOPTED in full**.

5 **IT IS FURTHER ORDERED** that Plaintiff's Complaint, (ECF No. 1-1), is
6 **DISMISSED** with prejudice.

7 **IT IS FURTHER ORDERED** that Plaintiff's Writ of Habeas Corpus, (ECF No. 3),
8 Motion to Intervene, (ECF No. 6), Motion for Summary Judgment, (ECF No. 11), and Motion
9 for Judgment on the Pleadings, (ECF No. 13), are **DENIED as moot**.

10 **IT IS FURTHER ORDERED** that the Clerk is instructed to close the case.

11 **DATED** this 13 day of October, 2022.

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15 Gloria M. Navarro, District Judge
16 UNITED STATES DISTRICT COURT
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